

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

SMART MOBILE TECHNOLOGIES
LLC,

Plaintiff,

-v-

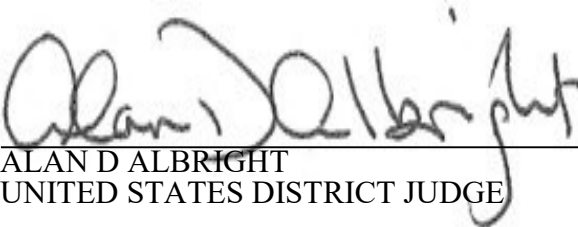
SAMSUNG ELECTRONICS
AMERICA, INC. F/K/A SAMSUNG
TELECOMMUNICATIONS
AMERICA LLC, SAMSUNG
ELECTRONICS CO., LTD.,
Defendants.

6:21-CV-00701- ADA-DTG

CLAIM CONSTRUCTION ORDER

The Court held the first *Markman* hearing August 18, 2023 and the second Markman hearing on August 31, 2023. During both hearings, the Court provided its final constructions for the disputed terms.¹ The Court now enters those claim constructions.

SIGNED this 2nd day of September, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

¹ The parties agreed to the constructions for a number of terms. Because the parties do not dispute the constructions for those terms, the Court does not find it necessary to enter those agreed constructions in this Order.

Claim Constructions for the '434 Patent Family
(U.S. Patent Nos. 8,824,434, 8,842,653, 8,982,863, 9,084,291, 9,019,946, 9,191,083, 9,319,075, and 9,614,943)

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
#1: "system on a chip" U.S. Patent No. 9,084,291, Claims 5, 16 Proposed by Plaintiff	An integrated circuit that includes the components for multiple functions of a system on a single chip	Plain and ordinary meaning	Plain-and-ordinary meaning

<p>#2: “wherein a transmission interface is created and wherein said transmission interface uses a plurality of IP enabled interfaces on the mobile device which utilize the plurality of wireless transmit and receive components on the mobile device to enable a single interface comprised of multiplexed signals from the plurality of wireless transmit and receive components”</p> <p>“wherein a first interface for transmission is created and wherein said first interface for transmission uses a plurality of interfaces for Internet Protocol communication on the mobile device which utilize the plurality of wireless transmit and receive units on the mobile device to enable a single interface comprised of multiplexed signals from the plurality of wireless transmit and receive units”</p> <p>U.S. Patent No. 8,842,653, Claim 1; U.S. Patent No. 9,019,946, Claim 1</p>	<p>Plain meaning with the exception of “interface/s,” and “multiplexed,” which should be construed as proposed by Smart Mobile</p>	<p>Indefinite</p>	<p>Not indefinite. Plain-and-ordinary meaning. “which utilize” refers back to “plurality of IP enabled interfaces” / “a plurality of interfaces for Internet Protocol communication”</p>
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Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
Proposed by Defendants			
<p>#3: wherein the first wireless transmit and receive component is enabled to communicate using one or more antennas simultaneously”</p> <p>“wherein the first wireless transmit and receive unit is enabled to communicate using one or more antennas simultaneously”</p> <p>U.S. Patent No. 8,842,653, Claim 14; U.S. Patent No. 9,019,946, Claim 14</p> <p>Proposed by Defendants</p>	<p>“wherein the first wireless transmit and receive component is enabled to communicate using one or more antennas simultaneously”</p> <p>“wherein the first wireless transmit and receive unit is enabled to communicate using one or more antennas simultaneously”</p>	Indefinite	Not indefinite. Plain-and-ordinary meaning.
<p>#4: “USB communication”</p> <p>U.S. Patent No. 9,084,291, Claim 5; U.S. Patent No. 9,019,946, Claim 5</p> <p>Proposed by Defendants</p>	Plain meaning	USB technology at use at the time of filing (1999)	Plain-and-ordinary meaning

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#5: "dynamically"</p> <p>U.S. Patent No. 8,824,434, Claim 1; U.S. Patent No. 8,982,863, Claim 4</p> <p>Proposed by Plaintiff</p>	<p>When and as needed, responsive to variable conditions and without the need for user intervention</p>	<p>Indefinite</p>	<p>Plain-and-ordinary meaning</p>
<p>#6: "ports"</p> <p>U.S. Patent No. 8,842,653, Claims 14, 15, 28; U.S. Patent No. 8,982,863, Claim 1; U.S. Patent No. 9,019,946, Claims 14, 15, 28, 29; U.S. Patent No. 9,084,291, Claim 6; U.S. Patent No. 9,191,083, Claim 1; '075 (1)</p> <p>Proposed by Plaintiff</p>	<p>A virtual or physical point of connection through which information may be transferred</p>	<p>Plain and ordinary meaning, which is a jack or socket that a cable connector plugs into</p>	<p>Plain-and-ordinary meaning.</p>
<p>#7: "one or more subtasks are assigned to one or more channels"</p> <p>U.S. Patent No. 9,614,943, Claims 1, 5, 8, 12</p> <p>Proposed by Defendants</p>	<p>Plain meaning, with the exception of "channels," which should be construed as proposed by Smart Mobile</p>	<p>one or more communication paths between a transmitter and receiver are dedicated to one or more pre-defined subtasks</p>	<p>Plain-and-ordinary meaning.</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#8: "channel"</p> <p>U.S. Patent No. 9,614,943, Claims 1-2, 5, 8, 12; U.S. Patent No. 9,191,083, Claims 1-2, 5, 8, 12</p> <p>Proposed by both sides</p>	<p>A path or link through which information passes between or within one or more devices or components</p>	<p>Plain and ordinary meaning, which is communication path between a transmitter and receiver</p>	<p>Plain-and-ordinary meaning.</p>
<p>#9: "the device is ... further configured with enhanced capabilities to differentiate between various signals or to combine multiple paths into a single communication channel"</p> <p>U.S. Patent No. 9,614,943, Claim 2</p> <p>Proposed by Defendants</p>	<p>The device is ... further configured with at least two antennas, transmit/receive units and processors or processing channels</p>	<p>Indefinite</p>	<p>Not indefinite. Plain-and-ordinary meaning.</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#10: "interface"</p> <p>U.S. Patent No. 8,842,653, Claims 1, 6, 10, 11, 17; U.S. Patent No. 8,982,863, Claim 14; U.S. Patent No. 9,019,946, Claim 1, 5, 6, 10, 11, 17</p> <p>Proposed by Plaintiff</p>	<p>A virtual or physical connection between software and/or hardware elements that enables them to interoperate</p>	<p>Plain and ordinary meaning, which is "a shared electrical or mechanical boundary between two hardware devices"</p>	<p>Plain-and-ordinary meaning.</p>
<p>#11: "multiplex" / "multiplexes" / "multiplexed" / "multiplexing"</p> <p>U.S. Patent No. 8,842,653, Claim 1-4, 27; U.S. Patent No. 9,019,946, Claim 1-4, 16, 27; U.S. Patent No. 9,084,291, Claim 7; U.S. Patent No. 9,191,083, Claims 5, 8, 12, 19; U.S. Patent No. 9,614,943, Claims 2, 11; U.S. Patent No. 9,319,075, Claim 1</p> <p>Proposed by Plaintiff</p>	<p>To combine multiple signal streams or data streams into a single signal stream or data stream for transmission or further processing, or split a single signal stream or data stream into multiple signal streams or data streams for transmission or further processing</p>	<p>Plain and ordinary meaning, which is "to interleave or simultaneously transmit two or more messages on a single communications channel"</p> <p>The preamble of claim 1 of the '075 patent is limiting</p>	<p>Plain-and-ordinary meaning^{1,2}</p> <p>¹ – Note not for the jury: The plain-and-ordinary meaning of this term does not include demultiplexing functionality.</p> <p>² – Note not for the jury: The plain-and-ordinary meaning of this term does not require outputting to physical communications channel(s) or to a single output, <i>e.g.</i>, 4:2 mux.</p> <p>The preamble of claim 1 of the '075 patent is limiting</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#12: "server"</p> <p>U.S. Patent No. 8,842,653, Claims 4, 15, 27, 28; U.S. Patent No. 8,982,863, Claim 1, 4, 5, 6, 11, 14, 19, 24; U.S. Patent No. 9,019,946, Claim 1, 4, 15, 17, 27, 28, 29, 30; U.S. Patent No. 9,191,083, Claims 6, 8; U.S. Patent No. 9,614,943, Claims 6; U.S. Patent No. 9,319,075, Claim 1</p> <p>Proposed by Plaintiff</p>	<p>a computing device or program or collection of computing devices or programs that provides resources, data, services, or programs to other computing devices or programs over a network, or that enables access to a network or network resources</p>	<p>Plain and ordinary meaning.</p>	<p>Plain and ordinary meaning.</p>

Claim Constructions for the '501 Patent Family
(U.S. Patent Nos. 8,442,501, 8,472,936, 8,472,937, 8,761,739, 9,049,119, and 9,756,168)

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#1: "server"</p> <p>U.S. Patent No. 8,842,653, Claims 4, 15, 27, 28; U.S. Patent No. 9,019,946, Claims 1, 4, 15, 17, 27, 28, 29, 30; U.S. Patent No. 9,319,075, Claim 1; U.S. Patent No. 9,756,168, Claims 2, 4, 19, 20, 28, 29, 34; U.S. Patent No. 8,442,501, Claims 1, 13, 16; U.S. Patent No. 8,472,936, Claims 1, 9, 11, 19; U.S. Patent No. 8,472,937, Claims 1, 13, 16; U.S. Patent No. 8,761,739, Claims 1, 13, 16; '863 (1, 4, 5, 6, 11, 14, 19, 24); U.S. Patent No. 9,049,119, Claim 20; U.S. Patent No. 9,191,083, Claims 6, 8; U.S. Patent No. 9,614,943, Claim 6</p> <p>Proposed by Plaintiff</p>	<p>a computing device or program or collection of computing devices or programs that provides resources, data, services, or programs to other computing devices or programs over a network, or that enables access to a network or network resources</p>	<p>Plain and ordinary meaning.</p>	<p>Plain-and-ordinary meaning.</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#2: "functional instruction"</p> <p>U.S. Patent No. 8,442,501, Claim 1; U.S. Patent No. 8,472,936, Claims 1, 13, 20; U.S. Patent No. 8,472,937, Claim 1; U.S. Patent No. 8,761,739, Claim 1; U.S. Patent No. 9,049,119, Claim 20</p> <p>Proposed by Defendants</p>	<p>software that, when executed by a processor, provides a function</p>	<p>Indefinite.</p>	<p>Indefinite</p>
<p>#3: "functional instructions [including instructions] for use in providing a plurality of functions to the [wireless/mobile] device . . ."</p> <p>U.S. Patent No. 8,442,501, Claim 1; U.S. Patent No. 8,472,936 Claim 1; U.S. Patent No. 8,472,937 Claim 1; U.S. Patent No. 8,761,739 Claim 1; U.S. Patent No. 9,049,119, Claim 20</p> <p>Proposed by Plaintiff</p>	<p>software executable by the wireless device that enables a plurality of capabilities</p>	<p>"functional instructions" is indefinite. <i>See</i> claim #2.</p> <p>The claimed "functions" are types of mobile/wireless devices. <i>See</i> claim term #8.</p> <p>Otherwise, plain and ordinary meaning.</p>	<p>Indefinite</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#4: “switching between one or more networks ...”</p> <p>U.S. Patent No. 8,442,501, Claim 1; U.S. Patent No. 8,472,936 Claim 1; U.S. Patent No. 8,472,937 Claim 1; U.S. Patent No. 8,761,739, Claim 1; U.S. Patent No. 9,049,119, Claim 20</p> <p>Proposed by Defendants</p>	<p>Plain and ordinary meaning, which is switching between multiple networks</p>	<p>Indefinite</p>	<p>Not indefinite.</p> <p>Correction: switching between two or more networks.</p>
<p>#5: “the server serves as a primary repository or exchange to deliver various functions to the wireless device”</p> <p>U.S. Patent No. 8,442,501, Claim 1; U.S. Patent No. 8,761,739 Claim 1</p> <p>Proposed by Defendants</p>	<p>the server stores software that may be transmitted to the wireless device to enable the device to have various capabilities</p>	<p>the server stores all functional instruction sets belonging to the wireless device that it uses to respond to mode reconfiguration requests from the wireless device by downloading and uploading the functional instruction sets and software to and from the wireless device</p>	<p>Plain-and-ordinary meaning.¹</p> <p>¹ – Note Not for the jury: the plain-and-ordinary meaning of “primary” does not limit the server to being the <u>exclusive</u> repository of code, <i>i.e.</i>, where all code must be stored.</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#6: "the server serves ... to deliver various functions to the wireless device"</p> <p>"the server is configured to send to the wireless device a plurality of functions"</p> <p>"the server provides a plurality of functions for control of the mobile device"</p> <p>U.S. Patent No. 8,442,501, Claim 1; U.S. Patent No. 8,761,739 Claim 1; U.S. Patent No. 8,472,936 Claim 1; ; U.S. Patent No. 8,472,937 Claim 1</p> <p>Proposed by Plaintiff</p>	<p>the server is configured to transmit software or application data to the wireless/mobile device that enables a plurality of capabilities</p>	<p>The claimed "functions" are types of mobile/wireless devices. <i>See</i> claim term #8.</p> <p>Otherwise, plain and ordinary meaning</p>	<p>Plain-and-ordinary meaning.</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#7: "dynamic" / "dynamically"</p> <p>; U.S. Patent No. 8,824,434 Claim 1; U.S. Patent No. 8,442,501, Claims 1, 2; U.S. Patent No. 8,472,936 Claim 1; U.S. Patent No. 8,472,937 Claim 2; U.S. Patent No. 8,761,739 Claims 1, 2; U.S. Patent No. 8,942,863, Claim 4; U.S. Patent No. 9,756,168, Claims 2, 4</p> <p>Proposed to Plaintiff</p>	<p>when and as needed, responsive to variable conditions and without the need for user intervention</p>	<p>Indefinite</p>	<p>Not indefinite. Plain-and-ordinary meaning wherein the plain-and-ordinary meaning is "in real-time."</p>

<p>#8: “wherein the server enables dynamic conversion of the wireless device from a first function to a second function to provide a plurality of functions at the wireless device”</p> <p>“wherein the wireless device is dynamically configurable from a first function to a second function to enable a plurality of functions at the wireless device”</p> <p>“wherein the server provides a plurality of functions for control of the mobile device and enables conversion of the mobile device from as first function to a second function to provide a plurality of functions at the mobile device”</p> <p>“wherein the server enables conversion of the mobile device from a first function to a second function by providing a plurality of functions to the mobile device”</p> <p>U.S. Patent No. 8,442,501, Claim 1; U.S. Patent No.</p>	<p>Plain and ordinary meaning, subject to “server,” “dynamic / dynamically,” and “first function” / “second function” / “plurality of functions at (to) the wireless device,” which should be construed as proposed by Smart Mobile</p>	<p>“conversion of the mobile/wireless device from a/as first function to a second function to/by provide/providing a plurality of functions at/to the mobile/wireless device”: transformation from a first type of mobile/wireless device with a first set of capabilities to a second type of mobile/wireless device with a different, second set of capabilities to/by provide/providing a plurality of types of mobile/wireless devices at/to the mobile/wireless device</p> <p>“configurable from a first function to a second function to enable a plurality of functions at the wireless device”: transformable from a first type of wireless device with a first set of capabilities to a second type of wireless device with a different, second set of capabilities to enable a plurality of types of wireless devices at the wireless device</p>	<p>Plain-and-ordinary meaning.</p>
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Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>8,761,739, Claim 1; U.S. Patent No. 8,472,936 Claim 1; U.S. Patent No. 8,472,937 Claim 1; U.S. Patent No. 9,049,119, Claim 20</p> <p>Proposed by Defendants</p>			
<p>#9: “first function” / “second function” / “plurality of functions at (to) the wireless device”</p> <p>U.S. Patent No. 8,442,501, Claim 1; U.S. Patent No. 8,472,936 Claim 1; U.S. Patent No. 8,472,937 Claim 1; U.S. Patent No. 8,761,739 Claim 1; U.S. Patent No. 9,049,119, Claim 20</p> <p>Proposed by Plaintiff</p>	<p>first capability / second capability / plurality of wireless device capabilities</p>	<p>This term should be construed, if at all, in the context of the larger phrase identified above as claim term #8 to the extent the terms overlap. To the extent the terms do not overlap, the nonoverlapping portions do not require construction (i.e., plain and ordinary meaning).</p>	<p>Plain-and-ordinary meaning</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#10: "wherein a private network includes a wireless local area network (WLAN) for use in a home or office"</p> <p>U.S. Patent No. 8,442,501, Claim 18; U.S. Patent No. 8,761,739 Claim 18</p> <p>Proposed by Defendants</p>	<p>Plain meaning; the recited "private network" is one of the "networks" that the device capable of "switching between" as recited in independent claim 1</p>	<p>Indefinite</p>	<p>Indefinite</p>
<p>#11: "the prioritization includes data based on GPS or wireless local area network (WLAN)"</p> <p>U.S. Patent No. 8,472,937 Claim 18</p> <p>Proposed by Defendants</p>	<p>Plain meaning.</p>	<p>Indefinite</p>	<p>Not indefinite. Plain-and-ordinary meaning.</p>
<p>#12: "A mobile device communication system ..."</p> <p>U.S. Patent No. 9,049,119, Claim 20</p> <p>Proposed by Defendants</p>	<p>Preamble is not limiting. The server is not part of the claimed mobile device communication system.</p>	<p>The preamble is limiting. The server is part of the claimed mobile device communication system.</p>	<p>Preamble is not limiting.</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#13: "the wireless device transmitter and receiver are independently tunable to one or more frequencies"</p> <p>U.S. Patent No. 9,756,168, Claim 2</p> <p>Proposed by Defendants</p>	<p>the transmitter and receiver of the wireless device each may be tuned to one or more frequencies</p>	<p>Indefinite</p>	<p>Not indefinite. Plain-and-ordinary meaning.</p>
<p>#14: "one or more primary values and subsidiary values"</p> <p>U.S. Patent No. 9,756,168, Claim 2, 4</p> <p>Proposed by Defendants</p>	<p>"primary values:" a set of frequencies associated with a preferred wireless network that is either a public carrier network or a local area network</p> <p>"subsidiary values:" a set of frequencies associated with a non-preferred wireless network that is a local area network if the preferred wireless network is a public carrier network or is a public carrier network if the preferred wireless network is a local area network</p>	<p>Indefinite</p>	<p>Not indefinite. "primary values" are associated with the preferred wireless network and where the "subsidiary values" are associated with a non-preferred wireless network.</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#15: "the software is associated with a user and the device stored in a profile"</p> <p>U.S. Patent No. 9,756,168, Claim 4</p> <p>Proposed by Defendants</p>	<p>the software stored on the server is for a plurality of wireless devices and for a plurality of applications for the plurality of wireless devices, and is associated with information, about a user and the device, that is stored in a profile</p>	<p>Indefinite</p>	<p>Indefinite.</p>
<p>#16: "the remote server stores in memory software for a wireless device"</p> <p>"the server is configured to store software for a plurality of wireless devices"</p> <p>U.S. Patent No. 9,756,168, Claims 2, 4</p> <p>Proposed by Defendants</p>	<p>Plain meaning, subject to "server," which should be construed as proposed by Smart Mobile</p>	<p>Plain and ordinary meaning, which is: the remote server stores, in memory at the remote server, software on behalf of a wireless device / the server is configured to store software on behalf of a plurality of wireless devices</p>	<p>Plain-and-ordinary meaning.</p>

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
<p>#17: "wherein responsive to a request from the one or more wireless device to a website or URL associated with a website server or a network environment, the one or more wireless device receives an indicator of a software application to be downloaded from the remote server"</p> <p>U.S. Patent No. 9,756,168, Claim 19</p> <p>Proposed by Defendants</p>	<p>Plain meaning (subject to "server" and "application," which should be construed as proposed by Smart Mobile), which is that each wireless device that makes a request to a website or URL associated with a website server or a network environment receives an indicator of a software application to be downloaded from the remote server</p>	<p>Indefinite</p>	<p>Indefinite</p>
<p>#18: "more precise location"</p> <p>U.S. Patent No. 9,756,168, Claim 21</p> <p>Proposed by Defendants</p>	<p>Plain meaning</p>	<p>Indefinite</p>	<p>Not indefinite. Plain-and-ordinary meaning.</p>